

**RADER,****FISHMAN****& GRAUER****PLLC**

*Worldwide Intellectual Property Matters • Patents • Trademarks  
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Computer and Internet Law • Trade Secrets • Unfair Competition*

**RECEIVED****18 NOV 2004****Legal Staff  
International Division****To: Examiner Ho****From: Michael B. Stewart/Louise Schultz****Fax: (571) 273-0459****Pages: 15 + Coversheet****Phone:****Date: November 18, 2004****Re: CANDLE AND METHOD FOR PRODUCING A CANDLE**

Application No. 10/019,334; File No. 65999-0001

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable laws. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return original message to us at the above address via U.S. Postal Service. Thank you.

**● Comments:**

Enclosed please find the petition to revive and the returned postcard stamped with the date of May 3, 2004 filed with the U.S. Patent and Trademark Office on 4/29/04.

Please acknowledge receipt.

Please call if you have any questions or comments.

11/19/2004 CSN007 00000000 138001001918019334  
614 Ref: 00000005 65.00 DA  
614 FC:2617

PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0861-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 665.00**Complete if Known**

Application Number	10/019,334
Filing Date	June 20, 2000
First Named Inventor	Rolf Sommer
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	65999-0001

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number

18-0013

Deposit Account Name

Rader, Fishman &amp; Grauer PLLC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$)** 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims  \*\* =  x  =

Independent Claims  \*\* =  x  =

Multiple Dependent  =

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	88	2204	43	** Reissue independent claims over original patent
1206	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** 0.00

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	60	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	665.00
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	840	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	60	1807	60	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 665.00**SUBMITTED BY**

Name (Print/Type) Joseph V. Coppola, Sr.

Registration No. (Attorney/Agent)

33,373

(Complete if applicable)

Telephone (248) 594-0650

Signature

Date

April 29, 2004

**Fee Transmittal**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 29, 2004

Signature: Joyce A. Krumpke (Joyce A. Krumpke)

Practitioner's Docket No. 65899-0001**CHAPTER II****IN THE UNITED STATES ELECTED OFFICE (EO/US)**

PCT/DE00/01993 20/June/2000 24/June/1999  
INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED

Candle and Method for Producing a Candle  
TITLE OF INVENTION

Rolf Sommer  
APPLICANT(S)

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION: EO/US

**COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE  
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. § 371**

*(check and complete the applicable item, if applicable)*

**CERTIFICATION UNDER 37 C.F.R. § 1.10\***

*(Express Mail label number is mandatory.)*

*(Express Mail certification is optional.)*

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith are being deposited with the United States Postal Service on this date 3/28/02, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EV051019329US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Joyce Krumpe

*(type or print name of person mailing paper)*

Joyce Krumpe  
Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

- ☒ This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.495 (FORM PCT/DO/EO/905).
- ☒ A copy of FORM PCT/DO/EO/905 accompanies this response.

**WARNING:** *Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. § 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing. 37 C.F.R. § 108(2)(xi).*

**NOTE:** *Documents and fees must be clearly identified as a submission to enter the national stage under 35 U.S.C. § 371. Otherwise, the submission will be considered as being made under 35 U.S.C. § 111. 37 C.F.R. § 1.495(g).*

### DECLARATION OR OATH

- I. ☒ No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

OR

- ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

**NOTE:** *For surcharge fee for filing declaration after filing date complete item IV(2).*

**NOTE:** *Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the specification to which it applies are the name of the inventor and (1) serial number, (2) attorney docket number that was on the application as filed and the filing date, (3) title of the invention and filing date, (4) title of invention and reference to a specification that is attached to the declaration at the time of execution and filed with the declaration, or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If the identification (4) is used it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date. Such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3). See M.P.E.P. § 601.01(a), 6th ed., rev. 3.*

**NOTE:** *Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).*

**NOTE:** *See 37 C.F.R. § 1.41(a).*

- ☐ The original oath was objected to. A new original oath is attached.

*(complete (c) or (d), if applicable)*

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

## AMENDMENT

## II.

(complete as applicable)

- ☐ An amendment in accordance with 37 C.F.R. § 1.121 is attached.  
☐ The attached amendment cancels claims \_\_\_\_\_ inclusive.

TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS

- III. ☐ Submitted herewith is an English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 C.F.R. § 1.495(c))

NOTE: For fee for processing a non-English application, complete item IV(3).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. § 1.69(b).

## FEES

## IV.

NOTE: See 37 C.F.R. § 1.28(a).

## 1. Fees for claims

- ☐ each independent claim in excess of 3  
 (37 C.F.R. § 1.492(b))—\$78.00; small entity—\$39.00 \$ \_\_\_\_\_
- ☐ each claim in excess of 20  
 (37 C.F.R. § 1.492(c))—\$18.00; small entity—\$9.00 \$ \_\_\_\_\_
- ☐ multiple dependent claims(s)  
 (37 C.F.R. § 1.492(d))—\$260.00; small entity—\$130.00 \$ \_\_\_\_\_

## 2. Surcharge fees

- ☒ surcharge set forth in 37 C.F.R. § 1.492(e) for accepting the declaration later than 30 months after the priority date in filing an application in the U.S. as a designated office—\$130.00; small entity—\$65.00 \$ \_\_\_\_\_ 65.00

NOTE: The processing fee in the next item 3 below is not subject to a reduction for small entity status.

3. ☐ processing fee set forth in 37 C.F.R. § 1.492(f) for acceptance of an English translation later than 30 months after the priority date—\$130.00 \$ \_\_\_\_\_

(Completion of Filing Requirements for International Application Entering U.S. Elected Office (EO/US)—page 3 of 6)

for a petition and fee for extension of time.

### TOTAL FEE DUE

#### VII.

The total fee due is:

Completion fee(s) \$65.00

Extension fee (if any) \$

TOTAL FEE DUE \$ 65.00

### PAYMENT OF FEES

#### VIII.

- ☐ Enclosed is a check in the amount of \$
- ☒ Charge Account No. 18-0013 in the amount of \$ 65.00
- ☒ A duplicate of this request is attached.

**NOTE:** Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

### AUTHORIZATION TO CHARGE ADDITIONAL FEES

#### IX.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

**NOTE:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 18-0013

☒ 37 C.F.R. § 1.492(a)(1), 1.492(a)(4) (filing fees)

☒ 37 C.F.R. § 1.492(b), (c), and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO

*in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

☒ 37 C.F.R. § 1.17 (application processing fees)

☒ 37 C.F.R. § 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a)).

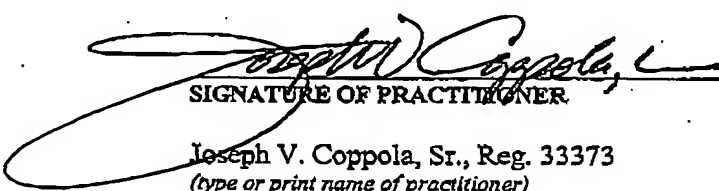
☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b)).

**NOTE:** *Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).*

**NOTE:** *37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.*

☒ 37 C.F.R. § 1.492(e) and/or (f) surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date.

**WARNING:** *It would be wise to always check this last authorization.*

  
SIGNATURE OF PRACTITIONER

Joseph V. Coppola, Sr., Reg. 33373  
(type or print name of practitioner)

Tel. No.: (248) 594-0650

Customer No.: 010291

RADER, FISHMAN & GRAUER PLLC  
P.O. Address  
39533 Woodward Ave., Ste. 140  
Bloomfield Hills, MI 48304



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commission for Patents and Trademarks  
United States Patent and Trademark Office  
Washington, DC 20590

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/019,334	Rolf Sommer	65999-0001

10291

RADER, FISHMAN & GRAUER PLLC  
39533 WOODWARD AVENUE  
SUITE 140  
BLOOMFIELD HILLS, MI 48304-0610

INTERNATIONAL APPLICATION NO.	
PCT/DE00/01993	
LA. FILING DATE	PRIORITY DATE
06/20/2000	06/24/1999

CONFIRMATION NO. 1350

371 FORMALITIES LETTER

OC000000007625564

Date Mailed: 03/13/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination
- Substitute Specification

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**



The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

INDIA L EVANS

Telephone: (703) 305-2936

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/019,334	PCT/DE00/01993	65999-0001

FORM PCT/DO/EO/905 (371 Formalities Notice)

Serial No. 10/019334 Filed: 6/20/00 Attorney: JVC  
 Applicant: R. Sommer Docket No.: 65999-0001 Date Mailed: 4/29/04  
 Title: Candle & Meth for Producing a Candle ☐ Courier ☒ First Class Mail ☐ Express Mail No.

The following was/were received in the U.S. Patent & Trademark Office Mail Room on the date stamped herein:

## Filing Form for Application\*

(in duplicate if charging deposit account).

- ☐ Originating in the U.S.  
☐ National Phase under Chapter I  
☐ National Phase under Chapter II

## Filing Form for Application\*

(in duplicate if charging deposit account).

- ☐ Provisional Application under 37 CFR 1.53(c)  
☐ Regular Application under 37 CFR 1.53 (b)  
☐ CPA Application under 37 CFR 1.53 (d)  
☐ Continuation Application under 37 CFR 1.53 (b)  
☐ Divisional Application under 37 CFR 1.53 (b)  
☐ Cont. In Part Application under 37 CFR 1.53 (b)

- ☐ Design  
☐ RCE  
☐ Other \_\_\_\_\_

## \*Patent Application including:

- ☐ Pages Specification  
☐ Pages Claims (Claims 1 through \_\_\_\_\_)  
☐ Pages Abstract  
☐ Sheets of Drawings (Fig. 1 through \_\_\_\_\_)

Declaration/Power of Attorney (\_\_\_\_\_ pages)

Verified Stmt-Small Entity Status

Executed Power of Attorney

☐ Priority Document(s) No. \_\_\_\_\_ & cover sheet☐ Assignment(s) & cover sheetRequest to Approve Drawing Change,  
with \_\_\_\_\_ Sheets of Red-Line Drawings☐ Sheets Formal Drawgs w/Cover Sheet

Request for Refund

☒ Request for Corrected Filing Receipt☒ Completion of Filing Requirements☐ Request for Certificate of Correction☐ Request for Non-Publication☐ Request for Notice of Filing Cont./Div.☐ Request to Extend Patent Terms☐ Transmittal for Amendment (Response)☐ Petition for \_\_\_\_\_ Mo. Extension of Time☐ (in duplicate if charging deposit account)☐ Amendment (Response)☐ Preliminary Amendment (Response)☐ Response to Election Restriction Requirement☐ Information Disclosure Statement, with☐ Form(s) PTO-1449 (\_\_\_\_\_ sheets) and  
copies of references☐ \_\_\_\_\_ Affidavit or \_\_\_\_\_ Declaration under

37 CFR \_\_\_\_\_ \$1.131 \_\_\_\_\_ \$1.132

☐ Notice of Appeal☒ Petition To Revive☐ Status Inquiry☐ Issue Fee Transmittal☐ \_\_\_\_\_ Separate post card(s)Deposit Account Charges 665.00

Other: \_\_\_\_\_

DT18 Rec'd PCT/PTO 03 MAY 2004

X